

AC 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of New Mexico

JTH Tax, Inc. d/b/a Liberty Tax Service

Plaintiff

v.

Troy Clark and Southwest Tax Stores, LLC

Defendant

Civil Action No. 2:11cv59

(If the action is pending in another district, state where:

Eastern District of Virginia)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Kim Gutierrez 3118 San Mateo Boulevard NE, Albuquerque, New Mexico 87110

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See attached Exhibit A.

Place: 1716 Corporate Landing Parkway
Virginia Beach, VA 23454

Date and Time:

04/29/2011 9:00 am

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 4/12/11

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Sada Sheldon

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party)

JTH Tax, Inc. d/b/a Liberty Tax Service

, who issues or requests this subpoena, are:

Sada Sheldon
sada.sheldon@lbtax.com
(757) 493-88551716 Corporate Landing Parkway
Virginia Beach, VA 23454

EXHIBIT

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PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* KIM BUTIERREZ
was received by me on *(date)* 4/13/2011.

☒ I served the subpoena by delivering a copy to the named person as follows:

DELIVERED PERSONALLY TO KIM BUTIERREZ AT THE ADDRESS
ON THE SUBPOENA on *(date)* 4/14/11; or

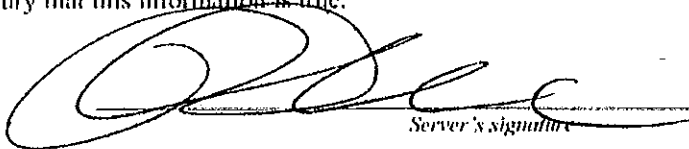
☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 4/15/2011



Server's signature

RICHARD I. MILLER

Printed name and title

PO BOX 40579, ALBUQUERQUE, NM 87196

Server's address

Additional information regarding attempted service, etc:

Exhibit A

To: Kim Gutierrez
c/o Freedom Tax, LLC
3118 San Mateo Blvd. NE
Albuquerque, New Mexico 87110

Please provide copies of the following documents:

1. Your employment contracts for the time that you worked for any Liberty Tax franchise office for the period December 1, 2009 to April 15, 2010.
2. As to the time period January 1, 2010 through April 1, 2011, any employment contract(s) or other written contracts or agreements, including promissory notes, you have or have had with Freedom Tax Stores.
3. All documents that show the source of funding, loans, and start-up capital you provided for Freedom Tax.
4. As to the time period November 1, 2010 to April 1, 2011, all e-mails sent by you to Troy Clark, or received by you from Troy Clark.
5. All contracts and agreements between you and Freedom Tax LLC, Southwest Tax Stores, LLC, Troy Clark and Ron Clark entered into between April 1, 2010 – April 1, 2011.

Reimbursement of your reasonable costs and expenses in complying with this subpoena are assured. You may simply enclose an invoice for your copying and postage costs with the documents when you send them. If you have any questions about this subpoena, please contact Sada Sheldon at (800) 790-3863 ext. 8033.

Thank you very much.

Sada Sheldon, Esq.
Corporate Counsel
Liberty Tax Service
1716 Corporate Landing Parkway
Virginia Beach, Virginia 23454
sada.sheldon@libtax.com